

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MAX A. FEDOR, ERIC R. COLBURN,
ROBERT G. GILLIO, DANIEL W. NEU,
and R. MICHAEL MCGRADY

Appeal No. 2005-0064
Application 09/014,076

ORDER REMANDING TO EXAMINER

On October 29, 2004, applicants filed a timely Supplemental Reply Brief (Paper No. 24).

In accordance with the revision effective September 13, 1004, Title 37, Code of Federal Regulations, §41.43 states:

(a) (1) . . . the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Appeal No. 2005-0064
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Accordingly, it is

ORDERED that the application is remanded to the Examiner for consideration and proper response to the Supplemental Reply Brief and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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